

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, DECEMBER 1, 2009.

Board Members Present:

William C. Chase, Jr., Chairman

Larry W. Aylor, Vice-Chairman

Sue D. Hansohn

Steven E. Nixon

Brad C. Rosenberger

Tom S. Underwood

Steven L. Walker

Staff Present:

Frank T. Bossio, County Administrator

Roy B. Thorpe, Jr., County Attorney

Valerie H. Lamb, Finance Director

John C. Egertson, Planning Director

Paul Howard, Director of Environmental Services

Donna Foster, Deputy Clerk

CALL TO ORDER

Mr. Chase, Chairman, called the meeting to order at 10:00 a.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Nixon led the members of the Board and the audience in the Pledge of Allegiance to the flag.

APPROVAL OF AGENDA

Mr. Chase called for additions or deletions to the agenda.

Mr. Aylor moved, seconded by Mr. Underwood, to approve the agenda as presented.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

APPROVAL OF MINUTES

Mr. Chase presented the minutes of the November 4, 2009 regular meetings to the Board for approval.

Mr. Bossio noted a correction had been made to Page 2 of the November 4, 2009 10:00 AM minutes to include a voice vote being taken on the motion to approve

the minutes of the October 6, 2009 regular meetings. A copy of the correction had been placed at each member's seat.

Mrs. Hansohn moved, seconded by Mr. Underwood, to approve the November minutes with the one correction.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following consent agenda item:

- (a) The Board will consider a budget amendment (\$915) for State funds received from DMV from the sale of animal friendly plates for the Animal Shelter. (No local match required.)

Mr. Underwood moved, seconded by Mr. Walker, to approve the consent agenda as presented.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

GENERAL COUNTY BUSINESS

SPECIAL PRESENTATIONS/RECOGNITIONS

None

VDOT REPORT TO THE BOARD

Mr. Roy Tate, Assistant Residency Administrator, provided the following update on VDOT construction and activity within Culpeper County:

- The Route 15 project was completed during the past month with pavement at Route 739, and installing extra wide center line stripes and center line rumble strips, which were the first in the County. In addition, white posts were installed around the inside of the curve to delineate the area, and hash marks were put down to indicate the end of the wide shoulder on the eastbound lane. Also, the Route 229 project was on schedule, but the Route 745 project was progressing more slowly due to the weather.
- Maintenance items were addressed such as grading the gravel roads and adding stone wherever possible, repairing pot holes that had appeared due to the

weather, picking up trash and removing dead animals on the roads, and trimming some trees in respond to customer calls.

Mr. Tate stated that a copy of the report regarding Route 600 (York Road) in Stevensburg has been given to John Egertson, Planning Director. The yellow signs, approximately 5 ½ feet by 5 ½ feet, had been ordered and would be installed as soon as they were received.

Mr. Chase inquired about the wording on the sign. Mr. Tate replied that the sign would display a symbol of a tractor trailer with "GPS Routing not advised, use ROUTE 3" across the bottom. He said the yellow sign was an advisory sign, not a regulatory sign which had white background with black lettering, but the yellow sign could be used by law enforcement to warn violators.

Mr. Chase inquired about the study on Route 669 (Carrico Mills Road). Mr. Tate replied that he would inquire regarding the status. Mr. Egertson noted there were two issues being discussed about the speed limit signs that were only installed at either end of the road, but none in the middle; and there was one intersection a quarter of the way up from Route 3 at Route 672. Mr. Tate agreed to check on both issues, but he believed that the speed limit signs had been corrected.

Mr. Underwood stated several residents had called his attention to the significant growth of broom sage at the intersection of Route 29 and Route 634 that prevented them from seeing oncoming southbound traffic when crossing at the Reva Market. Mr. Tate stated he would check on that situation.

Mr. Chase thanked Mr. Tate for his report.

STATE OF THE COMMONWEALTH

Mr. Chase announced that this item had been moved to follow Item 7.0 ADMINISTRATOR'S REPORT.

NEW BUSINESS

THE BOARD WILL CONSIDER AUTHORIZING DIVERSIFIED AMBULANCE BILLING, INC. TO CHARGE OFF \$501,275.97 IN UNCOLLECTIBLE REVENUE FOR THE PERIOD OF JANUARY 1, 2007 – JULY JUNE 30, 2009.

Mr. Bossio recalled when the Board made the decision to begin billing for ambulance services, compassionate billing was included with the knowledge that some revenue recovery would be lost. He said that according to Diversified Ambulance Billing, the charge off was approximately \$501,275.97 in uncollectible revenue for the period of January 1, 2007 through June 30, 2009.

Mr. Bossio stated that the Diversified representative scheduled to address the subject had not arrived. He explained that nothing had to be done to amend the budget, and the briefing was to make the Board aware that compassionate billing did work. He explained that the \$500,000-plus figure basically reflected the transport of patients with no insurance and those who were bankrupt, decreased, homeless, and/or with no mail return provided for contact.

Mr. Underwood inquired how much was collected from insurance over the same two-year period. Valerie Lamb, Finance Director, replied that approximately \$500,000 had been collected per year for the past couple of years that the County had participated in the program. Mr. Underwood estimated that at \$500,000 per year, or approximately \$1 million total, approximately one-third were uninsured or had to be written off. Mrs. Lamb pointed out that was money never recorded on the County's books, and there was nothing to do from the County budget standpoint since it was revenue that Diversified never collected. Mr. Underwood inquired whether the County was on budget this year relative to collections. Mrs. Lamb replied that Diversified wired the funds directly into the County's bank account on a regular basis and collections should be on track.

Tom Williams, Emergency Services Department, arrived and was accompanied by Diane Vick, owner of Diversified Ambulance Billing. He recalled that Diversified entered into a contract with the County in 2006 for EMS recovery, and the decision was made at that time to engage in compassionate billing. He stated that billing for services began in 2006, collections starting coming in July 2007, and \$1.2 million of revenue had been collected to date. He said the current discussion was in regard to writing off \$501,000 of uncollectible debt from those without insurance.

Mr. Williams introduced Ms. Vick, who was available to answer any questions.

Mrs. Hansohn asked for an explanation for the grouping of "mail return pending collect" of approximately \$32,000. Ms. Vick explained that they made every effort to determine accurate addresses for the patients, and she commended the EMS Department for ensuring that the hospital provided direct access to their records to verify addresses. She mentioned that frequently patients provided physical addresses rather than their post office box number, the grouping included those for whom correct addresses could not be obtained.

Mr. Walker inquired if Ms. Vick had a sense of how the program was working. Ms. Vick relied that she had received very few inquiries, and had encountered no major complaints that had to be reported to the County. She added that most inquiries were regarding billing and not about service. She said she worked closely with the EMS Department, who had done an excellent job in obtaining required information. She noted that their goal was to seek the insurance and not to bother the patient.

Mr. Chase stated that he had received three or four complaints regarding billing. Ms. Vick responded that the paperwork done by Diversified was in accordance with

Federal guidelines for Medicare. She said that under the compassionate billing program, the patient was sent three notices: An informational notice stating a charge had been incurred for the service and asking whether the patient had insurance; and two statements thereafter. If the patient had insurance, the insurance company was billed; and if not, no further action was taken.

Mr. Walker asked how Medicare was involved. Ms. Vick replied that in order to be a participating provider, Diversified obtained a Medicare provider number and information regarding the Federal guidelines. She said that all patients must be treated the same and all patients received a bill. She stated that Medicare audits the records to ensure that the guidelines were followed that all patients received three statements.

Mrs. Hansohn asked whether Medicare paid. Ms. Vick replied that Medicare did pay and the majority of the County's payments came from Medicare. She noted that of the 84 911 services that Diversified handled in the Commonwealth, Culpeper had the best cash return on its program at 65 percent. She said that the \$500,000 writeoff represented only 17 percent of the amount billed, as opposed to the 25 to 30 percent in most cities and counties.

Mr. Chase expressed concern that some of the older patients may not understand the billing process. Ms. Vick stated that she did a study of Culpeper's patients and found that of the \$500,000 writeoff, only 3 percent were above 60 years old. She said that older people were not affected because they had Medicare or secondary insurance, but the 20-50 age group was the majority of the bad debt without insurance.

Mr. Chase thanked Ms. Vick for briefing the Board on the program.

Mr. Nixon moved, seconded by Mrs. Hansohn, to approve the request to charge off \$501,275.97 of uncollectable revenue from the Compassionate Revenue Recovery for EMS Ambulance transports billing program.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker
Motion carried 7 to 0.

COMMITTEE REPORTS

AD HOC ANIMAL SHELTER ADVISORY COMMITTEE – November 23, 2009

Mr. Chase reported that the Ad Hoc Animal Shelter Advisory Committee met, but there were no actions to be forwarded.

See Attachment #1 for details of the Committee meeting.

AIRPORT ADVISORY COMMITTEE – November 18, 2009

Mr. Bossio reported that the Airport Advisory Committee met, but there were no action items to be brought forward.

See Attachment #2 for details of the Committee meeting.

BUILDING AND GROUNDS COMMITTEE – November 17, 2009

Mr. Aylor reported that the Building and Grounds Committee met and was forwarding the following recommendations:

(1) The Committee approved the Staff presenting a recommendation on the awarding of the bid on the renovation of the first floor of the Courthouse if the bid is within or below the budgeted amount without the alternates. If the bid is above the budget or the Staff decides to include the alternates, this matter will be sent back to Committee.

Mr. Aylor presented the recommendation and asked Paul Howard, Environmental Services Director, to provide additional information on the bid for Courthouse renovations.

Mr. Howard recalled that the County issued an RFP and received bids on November 18, 2009, for renovating the courthouse. The Scope of Work included a base bid for renovating the first floor to construct two courtrooms and a clerk's office, and the second portion included five alternates: (1) Renovating the top floor where the General District Court was located to include an office for a judge and some holding cells; (2) and (3) new heating and cooling chilled water pumps for the heating and air conditioning system; (4) new interior renovations to the elevator cab; and (5) a roof-top screen for the cooling tower on the roof. He said the base bid and all alternates were below budget, and staff was recommending that the base bid and all of the alternates except (5) be approved. He explained that alternate was for the roof-top screen for the cooling tower, and staff recommended that be delayed for eight-years when the cooling tower's life expectancy was reached.

Mr. Howard reported that a total of six bids were received and Lantz Construction, Harrisburg, was the low bidder. He noted that the bids would be valid until January.

Mr. Nixon asked Mr. Howard to provide additional details regarding the alternates. Mr. Howard explained that:

- Alternate (1) was for third-floor renovations behind the General District Court for a judge's chamber in the current Juvenile Court space and for three prisoner holding cells in one of the current judges' chambers for the General District Court.

- Alternate (2) was for a new heating water pump that would circulate all hot water through the heating/air conditioning system in the courthouse.
- Alternate (3) was for a chilled water pump to move cold water throughout the system.

[Both pumps were installed in 1974. The current heating system has one pump and a two-boiler system, and two pumps were being proposed in order to provide a backup.]

- Alternate (4) was for interior finishes to the elevator cab. The base bid included all new elevator equipment, except for the finishes to the panels and inside doors and the lights.
- Alternate (5) was to screen the roof-top cooling tower. There had been a problem in the past with noise during courtyard events and with the tower being visible from the street. The attempt was to get estimates for louvers around the tower to screen it and to reduce the noise. The system included a new automation system to control when the cooling tower operated. Staff recommendation was to wait since the cooling tower had approximately eight years life left and to move that cooling tower toward the peak of the courthouse roof in an effort to screen it from view.

Mr. Howard stated that all alternates and the base bid were below budget, but the cooling tower screen would have to be approved by the Architectural Review Board if the Board decided to include that alternate.

Mr. Underwood asked whether there were any local bidders. Mr. Howard replied that Crenshaw Construction was local, but he was not sure if there were others. Mr. Underwood inquired whether consideration was given to Crenshaw since they were actually lowest on the base bid and was a local firm. Mr. Howard replied that a value could not be placed on a local bidder versus an out-of-town bidder, but it was strictly a matter of mathematics, and the only way that Crenshaw was low bidder was if only the base bid was considered and none of the alternates were accepted. He noted that Alternate (1) for the third floor renovations was the most important alternate.

Mr. Underwood asked whether the County was required to accept the lowest bid. Mr. Howard replied in the affirmative.

Roy Thorpe, County Attorney, explained that when the procurement was by means of bidding as opposed to a request for proposals for services, the requirement under the law was to accept the lowest bid. He said there were provisions when there were tie bids that under certain circumstances that preference could be given to a local, but this was not a situation where there was a tie bid. He said that Mr. Howard had reported on a purely mathematical basis that the low bid was Lantz Corporation.

Mr. Chase asked whether the rule was Federal or State. Mr. Thorpe replied that it was required by the Virginia Public Procurement Act.

Mr. Walker pointed out that if the base bid was accepted and not the alternate bids, Crenshaw would be the low bidder. Mr. Underwood agreed and suggested that the remodeling for the third floor could then be rebid. Mr. Howard stated that staff would not recommend having two general contractors working in the same building even though it was possible.

Mr. Underwood asked how important were the renovations to the third floor. Mr. Howard replied that the renovations were very important to the occupants in courthouse. He said that the Sheriff's office did not have any holding cells on the third floor when prisoners were brought to the General District Court, and the General District Court judge wanted to relocate his chambers to the back of the courtroom for security reasons.

Mr. Underwood stated that the third floor renovations were a \$66,000 project. He asked how long would it take to do everything except Alternative (1), and to rebid that alternate. Mr. Howard replied that construction would take approximately three to four months to complete the project. He recommended that if that course were taken that the rebidding be postponed until the other renovations were completed to alleviate the amount of interruption in the courtroom.

Mr. Underwood explained that his concern was that jobs in the construction trade were extremely tight locally at the present time, and while he understood that the County was required to accept the lowest bids, he felt that a local company could be the lowest bidder depending on which alternatives were accepted.

Mr. Nixon stated that the lowest bidder was not always the better way to proceed. He recalled the instance where the lowest bidder rescinded his bid because he was unable to honor it. Mr. Howard stated that bid was for the EMS building. Mr. Nixon believed that the reason the County bid the alternates separately was to be able to decide which alternatives to choose. He asked if the base bid and alternate (1) were chosen, would the local bidder be the lowest bidder. Mr. Howard replied that he would not be the low bidder.

Mr. Chase agreed a local firm should be used whenever possible, but he was not sure that a new bid might bring a lower price on the third floor renovations.

Mr. Aylor stated that while Mr. Nixon raised a good point, he believed that having the work done by one contractor made it much easier on the citizens and the government body as far as warranties were concerned and having the project run smoothly. He said that even though he was passionate about having a local contractor, the project went through the procurement process and the low bidder was qualified and in position to be awarded the contract.

Mr. Nixon stated he was concerned that if the options were rebid, the operation of the courthouse would be disrupted two different times, but by grouping the base bid and alternates together, there would be only one disruption. He said he also agreed that work should be given to local contractors whenever possible, but in this particular instance, the process did work and the lowest bid was received, including the options. He felt it made sense to go with the low bid and get the work done at one time.

Mr. Nixon moved, seconded by Mr. Aylor, to accept the low bid and award the contract to Lantz Construction to include Alternates (1) through (4) as indicated.

Mr. Walker stated that the Board was faced with two decisions: To package the base bid and all of the alternates and have one contractor for the project; or to go forward with the base bid and bid the alternates at a later date when a local contractor would possibly qualify.

Mr. Nixon pointed out that the motion on the floor was for Lantz Construction to proceed with the base bid and the four alternates indicated by staff.

Mr. Underwood felt that the benefit to the local economy was much greater than the approximate \$15,000 difference in price in a bid that was more than \$1 million, but he realized the County was restricted by State law. He stated he was, therefore, compelled to accept the Committee's recommendations.

Mr. Rosenberger asked Mr. Walker whether he agreed with the motion on the floor or disagreed. Mr. Walker stated that he disagreed because he felt a local contractor should be hired as the low bidder on the base bid and then proceed with the alternatives. He also disagreed that two contractors could not work together in the same building at the same time.

Mr. Chase stated he agreed with Mr. Walker, particularly since many contractors work with subcontractors on various projects.

Mr. Rosenberger said that he believed that every member of the Board would like to have local contractors do the job, but no one mentioned the fact that time was money. He pointed out that a four-month delay would result in increased costs.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Nays - Chase, Walker

Motion carried 5 to 2.

(2) The Committee recommends the Board approve entering into a 10-year lease agreement with Full Circle Thrift for storage space within the former Salem Fire Hall.

Mr. Aylor presented the recommendation and moved to approve the lease agreement. Mr. Nixon seconded.

Mr. Walker recalled that Full Circle had expressed several concerns and asked whether they had been addressed in the lease. Mr. Howard stated that the County Attorney had been made aware of the requested changes, most of which were minor, except one to have the same termination provision that the County had given to the Full Circle Thrift and one to replace the signatory from Calvin Coleman to John Bussong.

Mr. Walker questioned whether the changes were included in the motion. Mr. Aylor replied that they were as part of the revised lease.

Mrs. Hansohn asked what part of the building would be used for storage. Mr. Howard replied Full Circle would use the garage bays and area to the right of them. Mrs. Hansohn asked how the County planned to use the rest of the building. Mr. Howard replied that the County currently leased storage lockers for some of its departments, and one option was to place those there and eliminate the leases, but that was only one proposal.

Mrs. Hansohn inquired how much was the County spending to renovate or secure the County space. Mr. Howard replied that the County portion was approximately \$65,000, and Full Circle Thrift was contributing \$10,000.

Mr. Aylor asked what the latest plans were for moving the command vehicle there. Mr. Howard replied that the command vehicle would not fit through the door unless some modifications were made.

Mr. Bossio stated that he checked with the Sheriff's Department and the vehicle was being stored at the EMS building; however, he believed the Sheriff's Department was still leasing the other facility to store other items in. He stated he would check on this further.

Discussion ensued, with Mr. Chase asking how much was the lease with Full Circle. Mr. Howard replied that their lease would be zero, but they would pay operating costs, such as electricity, heat, and maintenance.

Mr. Chase asked what happened to their plans to build a swimming pool. Mrs. Hansohn replied there was no need since Powell Wellness built one.

Mr. Walker stated the Full Circle's monies were used primarily for emergency services for youth and the elderly.

Mr. Underwood commented that the County was passing the lease of the building through to Full Circle and Full Circle would cover the operating costs. Mr.

Howard said Full Circle was paying the operating costs, but if the County were to lease out the other portion, the utility costs would be prorated.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

See Attachment #3 for details of the Committee meeting.

E-9-1-1 BOARD

Mrs. Hansohn reported that the next quarterly meeting was scheduled for December 17, 2009 at 7:00 a.m.

PERSONNEL COMMITTEE

Mr. Nixon reported that the next meeting was scheduled for December 17, 2009, at 10:00 a.m.

PUBLIC SAFETY COMMITTEE

Mr. Nixon reported that the next meeting was scheduled for December 17, 2009 at 8:30 a.m.

PUBLIC WORKS COMMITTEE – November 17, 2009

Mrs. Hansohn reported that the Public Works Committee met and was forwarding the following recommendations to the full Board:

(1) The Committee recommends the Board approve the request from Melvin Helmick to land apply biosolids on property (Tax Map/Parcel 42/41E) he leases from the County. This property is the site of the County's 100,000 gpd sewage treatment plant on Mountain Run, and is directly adjacent to Mr. Helmick's farm.

Mrs. Hansohn presented the recommendation and moved to approve the request from Melvin Helmick to apply biosolids on the property he leased from the County. Mr. Aylor seconded the motion.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger

Nays – Underwood, Walker

Motion carried 5 to 2

(2) The Committee recommends the Board approve entering into a contract with WW Associates for engineering services to design water and sewer lines extensions in the Town environs.

Mrs. Hansohn presented the recommendation and moved to approve the contract with WW Associates.

Mrs. Hansohn stated that information had been distributed that depicted the areas under consideration, and the request would not be a duplication of Town services and would merge into a regional authority should that occur.

Mr. Howard stated that Mrs. Hansohn was correct that the RFP for these water and sewer line alternatives around Town would complement every regional solution. He said the contract before the Board was to WW Associates for the design only. He added that the Board would decide whether to proceed with any of the work or just enter into a contract and modify the scope in the future. He said the proposal for the scope of work was for \$189,000, and there was \$500,000 in the budget to cover the work.

Mr. Aylor seconded the motion

Mr. Underwood asked if Mr. Howard was recommending not starting the actual water line and sewer line work. Mr. Howard replied the request was to start the design work and to expend funds for that process.

Mrs. Hansohn pointed out that the contract was a good deal, and it was something that had been discussed doing for some time. She said the Board had the option to delay actually starting the work until it was learned what was going on with the Town, or to begin immediately.

Mr. Walker asked for clarification regarding the money in the budget, specifically whether it had been appropriated for this specific use. Mr. Howard replied that the Board had appropriated \$500,000 for this purpose. Mr. Walker asked whether the notification to begin work would require another vote by the Board. Mr. Howard replied that could be done if the Board chose to do so. He said the Board could award the contract to WW Associates, and the Board or the Committee could give them a notice to proceed, or that authority could be delegated to the County Administrator.

Mr. Nixon asked if the contract could be reassigned to the Authority should a deal be worked out with the Town. Mr. Howard believed that it could be reassigned but the Authority would have to be willing to accept it. He said it would also be up to the Authority if they wanted to fund the construction of the lines and if they had the resources to do so.

Mr. Nixon asked if the contract were awarded and the engineering phase was begun, and the County reached agreement with the Town, would the project be turned over to the Authority and the County reimbursed. Mr. Bossio replied that the County would ask for reimbursement in the negotiation process. Mr. Howard added that the

Authority would be a Regional Authority and these were conditions that the County could include during the negotiations.

Mr. Nixon stated he wanted to be sure that if the Board decided to proceed with the design phase of the project and if agreement were reached with the Town, the project could be reassigned to the Authority and hopefully the County could be reimbursed for these services.

Mr. Aylor asked whether the contract would place the lines close to being shovel ready should funding possibilities arise. Mr. Howard replied in the affirmative.

Mrs. Hansohn said the idea of the whole project was to have it ready, and the Board had been discussing it for years.

Mr. Nixon asked if any contact had been made with the Town or Town staff to determine whether they considered this to be a conflict. Mr. Howard replied that he had not had any conversation with the Town. Mr. Bossio added that the only conversation he had was several months ago to inform the Town staff that the Board was in the process of doing this, and the meetings were held in open session.

Mr. Walker recalled that the project could be done in five phases. Mr. Howard stated that was correct. He explained that the water lines and the sewer lines were both in several different sections, and the intent was to design whatever the Board wished to build and price the design of all six water lines and two sewer lines in one phase. He said the price did not include the design/bid to build phase one and then come back and design/bid to build phase two, etc., but the price was for one package deal for up to six water lines and two sewer lines for \$489,000; the price would have to be adjusted if the Board chose to design one segment only.

Mr. Nixon stated that the plan before the Board was to do a master design for the entire build-out and then the Board could decide to build each phase as needed.

Mr. Underwood said he would support the design around the Greens Corner plant to meet the projects that were labeled on the water as 1, 2, 3 and 6, as well as the waste water line labeled as project 1. He stated these would be beneficial in terms of economic development whether the County proceeded with the Town or not since there was no overlap with the current wastewater and water facilities, with the exception of projects to extend water facilities in Greens Corner area by having another well. He said the water projects 4 and 5 and the wastewater project 2, would only work if there were some way to reach there. He noted that if the County did not have an agreement with the Town, the engineered work would be done for something that could not be used. He stated that if the recommendation was to look at everything that could go in any direction, then 1, 2, 3 and 6 for water and number 1 for wastewater, he would agree to the design that had a realistic probability of being used.

Mr. Chase felt that the contract could be signed since it did not include any scope of work in the motion. Mr. Howard agreed.

Mr. Underwood questioned whether the contract was for a specific amount for specific work. Mr. Thorpe replied that the contract set rate if everything were totally done as a cap, but the notice to proceed was when the selection would be made from the menu, but the selection process was not before the Board at this time. The only thing the Board was doing was selecting the engineer with the parameters being set as the areas that could be studied and the total amount to be charged on the fees.

Mr. Underwood stated he would support the motion with the provision that it would need to come back to the Board for a notice to proceed.

Mrs. Hansohn agreed to amend the motion to include that provision and noted that the design work would have to come to the Board anyway. Mr. Aylor agreed with the amendment.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker
Motion carried 7 to 0.

See Attachment #4 for details of the Committee meeting.

RULES COMMITTEE – November 17, 2009

Mr. Walker reported that the Rules Committee met and was forwarding the following item for the Board's consideration:

(1) The Committee recommends the Board approve advertising for a public hearing to be held at its 7:00 p.m. meeting on January 6, 2010 and consider amending Chapter 6 Building Regulations of the Culpeper County Code by enactment of Section 6.4 Enforcement of the Uniform Statewide Building Code, Part 1, Virginia Construction Code and Part III, Virginia Maintenance Code, to include *Enforcement Generally, Unsafe Structures or Structures Unfit for Human Habitation and Appeals* (Sections 104, 105 and 106 of the Virginia Maintenance Code).

Mr. Walker presented the recommendation and moved to approve advertising for a public hearing on January 6, 2010 to consider amending Chapter 6 of the County Code.

Mr. Walker asked Bob Orr, Building Official, to explain the proposed amendment.

Mr. Orr explained that the amendment would provide a tool that the Building Department could use to secure unsafe structures or inhabitable structures from the public. He said that in the past, the Building Official did not have jurisdiction to require

individuals to secure, repair or remove any buildings that had been damaged by fire, storms, vehicles, etc. He stated that the amendment would be in the interest of public safety in the neighborhoods.

In answer to Mr. Chase's question regarding corn cribs, Mr. Orr stated that corn cribs were agricultural and exempt. Barns and anything agricultural would be exempt according to the Zoning Department.

Mrs. Hansohn asked whether there were Health Department rules for unsafe properties. Mr. Orr replied that the Health Department relied on the Building Department who was bound by a section in the construction code that required a complaint directly from a tenant before action could be taken.

Mr. Nixon seconded the motion for further discussion.

Mr. Walker pointed out that the motion was to hold a public hearing in January. He stated that the Rules Committee had a lengthy discussion and it was decided that the Building Department needed the necessary tools to be able to intervene in a particular area in order to provide safety for those in the surrounding area.

Mr. Underwood stated that the public hearing was being proposed to expand the size and scope of government by creating laws that were being called "tools". He said while he completely trusted Mr. Orr and the Building Department to enforce the provisions correctly, there were unintended consequences when government was expanded. He noted there would be farm buildings and homes in his District that could be deemed unsafe and the farmers in some cases did not have the financial ability to comply with this code. He stated he could not support the motion for a public hearing in this case since he was against the proposed ordinance.

Mrs. Hansohn stated that unfortunately, Culpeper had grown a lot, and there were problems the County has to know how to address and by doing nothing because we may hurt one person was not a solution.

Mr. Underwood said he had a couple of solutions to suggest: (1) The proposed amendment could be restricted to nonagricultural areas, meaning non-A1 and RA; and (2) in those particular cases, the owner could be notified of the potential liability and rather than imposing a law, an attempt would be made to persuade them that they could be held liable. He said stating that the Building Department will enforce a rule was not the direction he would prefer to go.

Mrs. Hansohn did not feel that sending a letter to intimidate was the course to take. Mr. Underwood stated that he would use the word "educate" rather than intimidate. Mrs. Hansohn did not see the difference and felt the proper solution was not to send a letter stating action must be taken, with nothing to back it up.

Mr. Chase pointed out that the public hearing would provide an opportunity for public input, and corrections could be made as necessary.

Mr. Aylor said he agreed with Mr. Underwood about not growing government, but he did not agree that agricultural areas should be excluded. He said he would support having a public hearing on this matter because it was about the health, safety and welfare of all the citizens.

Mr. Walker stated that one of the things not included in the motion for a public hearing was that the Rules Committee recommended this provision be "sunsetting" until the next Building Code was revised. At that time the Board of Supervisors would make a decision whether to renew it or change it depending upon changes in the building codes.

Mr. Rosenberger stated that he understood and appreciated the concerns mentioned relative to the A1 and RA, but he pointed out that A1 and RA contain a lot of dense development. He concurred with Mr. Aylor's comment relative to public health, safety, and welfare and he wanted to move forward with a public hearing to hear what the public had to say.

Mr. Nixon commented that he was in favor of the public hearing because part of due process was to provide an opportunity for the citizens to express their opinions. He said the public needed to tell the Board what they liked or did not like, and the Board could vote based on public opinion.

Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Walker

Nay - Underwood

Motion carried 6 to 1.

See Attachment #5 for details of the Committee meeting.

TOWN AND COUNTY INTERACTION COMMITTEE – November 25, 2009

Mr. Underwood reported the Town and County Interaction Committee met, but there were no actions to be forwarded.

See Attachment #6 for details of the Committee meeting.

ECONOMIC DEVELOPMENT

Carl Sachs, Economic Development Director, provided the following report:

1. Commercial Development. Building permits were issued to Auto Zone for one of the pads at the Culpeper Marketplace; to GMC, a health and vitamins store, in the

Culpeper Colonnade; and to Sun Trust Bank also in the Culpeper Colonnade for construction to begin July 2010.

2. Small Business Development Center October Report. Meetings were held with seven new clients; two of whom were in start-up businesses and five in existing businesses. Three were female-owned businesses. These business represented 33 employees with approximately a half million dollars in sales.

3. CDAC. The Committee rescheduled the Government101 program for early in 2010 and would include the Chairman of the Board of Supervisors and the Town Mayor, as well as the County Administrator and Town Manager.

ADMINISTRATOR'S REPORT

Mr. Bossio stated he had nothing to report.

STATE OF THE COMMONWEALTH

Mr. Chase announced that Senator Edd Houck and Delegate Ed Scott were present to brief the Board on the state of the Commonwealth.

Senator Houck thanked the Board for the opportunity to appear and share information he had accrued from various meetings in the Senate Finance Committee and with the Administration's Revenue Projection Council. He said that given the very austere nature of the information he had been receiving, he thought this was the year to initiate contact with the local governing bodies he represented.

Senator Houck stated he would borrow the first line from Charles Dickens' *A Tale of Two Cities*: "It's the best of times and it's the worst of times." He said it was the best of times that he had the opportunity to sit in a Senate seat for 26 years in the 11th most wealthy state in the nation as measured by percentage of personal income, the 12th largest state, and recognized by independent sources as the best fiscally managed state in the nation for several years. He noted that Virginia had an AAA bond rating and that rating had been in existence longer than any other state in the national since 1938, and that rating was significant when the Commonwealth had to go to the bond market for borrowing. He said, however, that given the current economic situation, the State was experiencing the "the worst of times". He stated that Virginia's revenue outlook was the worst it had been in 50 years and there was no institutional memory in Richmond to deal with what the State was experiencing at the present time.

Senator Houck stated that the General Fund forecast, which was used to forecast revenue, had been reduced four times in the last two years and it was difficult to project revenue given the recession. Through the current biennium the General Fund expenditures had been reduced by \$7 billion. All State agencies have been reduced by 25 percent, and most have endured at least 30 percent reductions in their operational funds across the board. He noted that the current State General Fund

operational budget was the same as 2005 while the population growth was somewhat steady, but still continued to grow. He stated that school age population in the State was still growing, but not near what it was a few years ago and the elderly population and Medicaid recipients continued to climb rather dramatically, with the baby boom generation beginning to become more and more of that population. He said the localities were dealing with a situation where State revenues have declined dramatically while the cost drivers, such as education and Medicaid, continued to rise creating some very challenging propositions. He stated that last year and the year before, the State was able to patch the budget situation by tapping into the rainy day fund, and by using Federal stimulus money particularly to fund Medicaid and K-12 and higher education.

Senator Houck stated he felt compelled to come because State governments and local governments were tied very closely together from a constitutional framework and from a practical funding basis since half of every State General Fund dollar collected, 39 cents comes back to the localities in some form of local aid or assistance for schools, public safety, libraries, first responders, etc. Therefore, the types of reductions endured by the State had a direct impact at the county and city levels and he felt the need to explain the gravity of what the State was dealing with.

Senator Houck reported that he recently had the opportunity to sit with the Governor and one of Commission's composed of members from the private sector, corporate executives from around the State, as well as both House and Senate Democrats and Republicans, who advised the Governor from their perspective what was happening in the economy. He said that the private sector participants were more optimistic about the future than the legislators, with the exception of the small business representative and agribusiness representative who had a more pessimistic outlook based on what was occurring in their economies. He said at the end of that process, the Governor made his revenue projections for the next biennium from a pessimistic point of view, which meant in the next 30 months, from now until the end of the current fiscal year, the expectation was that revenues would decline another \$250 - 300 million. He said the current \$200 million hole that would have to be filled between January and June, and the projected additional revenue shortfall of \$3 billion in the next biennium, represented a total shortfall of \$3.5 billion for the next 30 months.

Senator Houck stated that while he had hoped the economy would pick up in 2011-2012, the State must forecast and budget based on current information. He said that the stimulus money had helped put a "tourniquet on the bleeding" and there was another \$300 million of stimulus funds that could be applied to public education in 2011, and approximately \$120 million of that could be applied to higher education, which was important for Germanna Community College that served the whole region. He also said that there was some stimulus money still in the pipeline for Medicaid funding which was important at the State level, but since the funds were an entitlement from the Federal Government, the State was in a mandate proposition with a two-for-one match. He stated there was also concern regarding the health care reform debate

going on in Washington, particularly the piece centered on Medicaid that would have to be dealt with.

Senator Houck regretted he could not bring better news, but he felt it was important for the State and localities to engage in serious dialogue and to work collectively to solve the problems.

Delegate Scott stated that the numbers were about the same on both sides of the Capitol and he agreed wholeheartedly with Senator Houck that if ever there was a time that it was important for communication between local government and State government, this was the time to work together to try to find new solutions to the budget challenges that confront both the State and the localities. He said the current recession was about twice as bad as any recession since World War II. He felt it was incumbent upon the 2010 General Assembly to look at government's actions and the impact on government, on business and on job creation. He said that the focus should not be exclusively on the spending side of the equation, but also on what could be done to enhance economic development locally and across the state. He said that after hearing the County's Economic Development report earlier, it was clear that the Board recognized the value of building its tax base. He thanked the Board for the opportunity to meet with them.

Mr. Chase thanked Senator Houck and Delegate Scott for their comments.

2010 LEGISLATIVE ISSUES

Mr. Chase announced that the Board would discuss the upcoming legislative issues with Senator Houck and Delegate Scott.

Mr. Bossio stated that he had provided both Senator Houck and Delegate Scott with outlines of the questions that arose during the County's Legislative Committee meeting and referenced the VACO 2010 Legislative Program.

Mr. Underwood asked Senator Houck what the General Assembly was looking at in terms of Constitutional funding and K-12 education for Fiscal Year 2011. Senator Houck replied that the answer was "less funding". He said that K-12 funding was important to him because it was necessary to take care of the future. He noted that reductions to K-12 had been avoided in previous years at the State level, but this was one year when it could not be avoided. He stated that he met recently with the Virginia School Board Association, and the operable words that he used with the education advocacy groups and individuals were "damage control"; to try to control the amount of damage to the State's educational program. He reported there would be more cuts on the horizon for K-12 and he would be advocating that the Senate not do that in isolation, but to sit down with local government officials, representatives from VACO, VML, School Board Association, and teachers' groups, as was done last year. He said the group met each Friday to look at the total budget process and determine where they wanted to end up in K-12. He said they resisted the Administration's approach to

cap the line item for support positions, and K-12 was reduced without any permanent structural damage being done. He hoped to take the same approach this year.

Delegate Scott agreed that there were challenges alluded to by Senator Houck, but the State generally tried to hold off on K-12 until the very worst of times. He said the result was that other areas such as the Constitutional Officers, or public safety, received significant reductions, so the challenge was how much further should the cuts in those areas be. He noted that the process this year was different because there would be an outgoing Governor releasing a budget and a new Administration and the Legislature would provide their input and that would result in a longer length of time to get to specific numbers or specific policy directions. He said that the value of the conversation this morning was to determine whether the Board wanted to take a look at things only on an across-the-board basis to identify certain standards that may be appropriate in the current condition not to go forward with, or to look at the re-benchmarking type processes or suspend those in the current climate. He said all of these things were options that have to be evaluated.

Mr. Walker asked whether the General Assembly would consider a policy to allow more flexibility at the local level to be more creative with reference to mandates. Senator Houck replied that "flexibility" was a good word to use and one that he was clinging to very rigidly. He said it was one thing to make a permanent change, and another to be flexible in the application of some standards or issues. He stated there was really little choice but to be flexible and to be selective so that the core program was protected and not eroded, and good flexibility made a lot of sense in this current climate.

Mrs. Hansohn thanked both Senator Houck and Delegate Scott for their work in Richmond. She said that VRS continued to be an important issue to the citizens, the school system and government personnel and asked about the status of the VRS. Senator Houck reported that the State could not possibly meet the VRS rate recommended by VRS Board even though it was done on an actuarially sound basis. He noted that a large portion of VRS had been investments, which had taken a real hit in recent years, and he felt it was too early to give a precise reply other than to state it would have an impact on both State and local governments.

Mr. Bossio added that the VRS rates had just been obtained from the State, and they looked to be favorable for the County in the coming budget year. He said he had not received the School VRS rates, and there was discussion about not making the payments for the educational system in the last quarter, which would result in a savings of approximately \$1.2 million.

Senator Houck stated that the Senate Finance Committee had not yet received its presentation on VRS. He added that the one of the topics that arose recently was that the State would not continue to pay the employer share as part of the benefit package for State employees.

Mr. Bossio mentioned his concern that the VRS went to the 7.5% rate of return across the line, and that was an 80 year picture at 7.5 % which may or may not pan out. They talked about the 21 percent loss that VRS had taken, but if a 7.5 percent return was expected and there was a 21 percent loss, he was concerned.

Delegate Scott noted that the historical averages were not but so good in times like these and, in the current economic climate, even "the market" would still leave a gap based on past performance and past funding decisions.

Mr. Aylor expressed his concern regarding transportation which had a direct impact on economic development, as well as on the health, safety and welfare for all citizens. He asked what the State was looking at as far as transportation was concerned. He said it was important to maintain the current infrastructure in order to entice businesses to come. Delegate Scott replied that transportation was an issue he had tried to focus on during his six years in the House of Delegates. He noted that Culpeper County had historically done a good job of investing in transportation through the revenue sharing program. He referenced John Egerton's recent letter commenting on the value of revenue sharing, not only to Culpeper County but to the State transportation program. He said that the State had to prioritize within its transportation budget, and revenue should be a priority, and not something to cut because it leveraged additional dollars. He said the revenue from the gas tax, titling tax, etc. had decreased and the conversation was expected to be about new revenue sources, especially since Governor-elect McDonnell had put forth some concrete ideas during the election.

Senator Houck commented that the overall outlook for transportation funding in the Commonwealth was just as bleak as it was for the General Fund operations, and since 2008, the State had lost over \$3.5 billion, now approaching \$4 billion, of State transportation funding. He said it was interesting that the number of registered vehicles in the State continued to increase which meant the current system continued to be used even more heavily than before. He noted that some of the Federal stimulus money was helping to address some bridge repairs and other needed infrastructure changes, but the overall, long-term prospect was not promising until a reliable and ongoing source of State revenue could be found and he firmly believed the gasoline tax was a fair tax from a pure user standpoint. He stated he just learned that the Culpeper District was due to lose another \$18 million on the next round of reductions expected soon, and he reiterated that a sustainable funding source needed to be identified that was statewide in nature. He mentioned that he disagreed with the Administration that in order to draw down the Federal dollars with a 4 to 1 match, they would take the 1 State dollar for each 4 Federal dollars from secondary maintenance funds, especially since Federal dollars could only be used for the Federal interstate and primary system.

Senator Houck stated, in answer to Mr. Aylor's question, approximately 1,500 full-time employees and a number of part-time employees had been laid off at VDOT, and he did not know how much worse it would get until the political dynamic changed.

Mr. Aylor thanked Senator Houck and Delegate Scott for their comments. He said as Chairman of Culpeper's Transportation Impact Fee Committee he had encountered resistance when discussing additional fees, but there was the opportunity at the local level to address this issue.

Mr. Rosenberger commented that Virginia had become one of the largest States and that growth had increased the cost of maintaining the school systems, law enforcement, public safety, etc., and when the word "flexibility" was mentioned, he asked whether there was any possibility that the General Assembly would relax the Dillon Rule this year on the locality's ability to impose impact fees and proffers to help offset some of the additional costs at the local level without being tied so tightly by the State. Delegate Scott replied that he did not see anything that was fundamentally changed in the outlook of the General Assembly, and he did not think it was realistic to expect the General Assembly to take drastic steps as related to the Dillon Rule.

Senator Houck agreed with Delegate Scott's assessment. He added that VACo was probably more aggressive in obtaining comparable taxing authority for the counties that the cities had, which was in essence a Dillon Rule kind of dynamic. He felt there was a more heightened awareness than ever before and the outlook was promising on equalizing taxing authority.

Mr. Nixon thanked both Senator Houck and Delegate Scott for coming to meet with the Board. He agreed that a long-term solution would have to be developed to solve some of the problems, and he personally liked the idea of the gasoline tax because the people using the roads should be the ones paying. He expressed concern regarding the restriction placed on localities by the stormwater regulations. He asked whether consideration had been given to lightening some of the requirements.

Delegate Scott replied that there was a lot of interest by the General Assembly in reviewing the regulations. He noted that since Mr. Nixon served on the Rappahannock River Basin Commission, he was most likely aware there were a number of groups who believed there were elements of the regulations that needed to be amended. He stated there was a broader picture in the whole environmental arena that would impact State and local government with the President's Executive Order as it related to the Chesapeake Bay, and he believed there would be more stormwater management regulations with a cost to local governments. He said the EPA's approach to the Bay seemed to be driving a lot away from the States and to the localities. He felt that the time was approaching when there would be more cases of local and State governments working arm-in-arm to confront the Federal Government.

Senator Houck stated he was hearing from not only local governments, but many Virginia Farm Bureaus, regarding their concern about EPA becoming the governing body over these types of regulations. He said it was important that local and State governments joined together to resist that movement. He acknowledged

that there would be a debate about the regulations at the State level, and the localities could join in that discussion.

Mr. Nixon stated that once the rule became law, it would be almost impossible to change that, so it was important to attack it now. He said he would be willing to assist in any way he could.

Mr. Walker stated that he had heard that other states, particularly Pennsylvania, were not adhering to the same principles that Maryland and Virginia were inclined to follow in terms of the Chesapeake Bay. He questioned whether or not EPA needed to be reminded to treat those contributing to the Chesapeake Bay equally. Delegate Scott replied there was always a challenge when "pointing fingers", whether it was Virginia versus Pennsylvania, farmers versus the wastewater treatment plant, or whatever the case may be. He stated there seemed to be discussion underway about the quality of the information that was in the modeling at the current time as it related to New York and Pennsylvania, their contributions and what may be asked of them to improve some things going forward. He agreed there was an issue that needed to be tackled successfully in view of the abundance of questions being asked about the Bay model, some across the Bay watershed and some in this area. He believed that a message could be crafted that cited the investment that had been made, literally billions of dollars in wastewater treatment plant upgrades and millions of dollars in agricultural BMP's, and recognizing for the short term the State's ability to invest at these levels was limited and to request a more reasonable approach.

Mr. Walker stated he would like to follow up with reference to the VRS questions. He asked why everyone in the VRS were not treated the same. He said that State employees, educational employees, and County employees in the VRS were all handled differently and had different rules. Senator Houck replied he was not sure that he knew all of the differentiations within the standard VRS category, but he knew there were fairly significant differences in terms of longevity and years of experience. He acknowledged that State employees were treated one way and teachers treated another, but he did not know where the local government fit into the system. He noted he now had the opportunity to sit on JLARC and one of their primary responsibilities was to review all of the VRS regulations, laws, rates, etc. He said if that was something the County wanted him to do in the interim, he would be happy to try to use the JLARC avenue to get better answers than he was able to provide.

Mr. Walker stated his question was more related to the funding needs of the VRS program and why all participating employees were not treated equally. Senator Houck replied he was not prepared to provide an intelligent response and asked that staff follow up with him so he could pursue the question.

Mrs. Hansohn mentioned that Comprehensive Services was a large part of the County's budget. She said that services to children that needed to be placed in foster care or institutions could not be tailored to their needs and they were being shipped

out of State at an approximate cost of \$20,000 a month. She felt that localities should be allowed to tailor the services required. She said the County could not continue to afford these services because it was an unfunded mandate and the County may not be able to continue to afford the services a parent may want for the child. She asked Mr. Bossio what the cost to the County was at the present time. Mrs. Lamb replied that the cost was approximately \$3 million. Mr. Underwood stated that the cost was actually \$2.7 million this year excluding the Social Services portion.

Mrs. Hansohn stated there were other Board members who could better address the issue, but she felt that the County's hands were tied regarding what could be provided locally.

Senator Houck agreed that the Comprehensive Services Act was one that continued to apply extra pressure at both the State and local level, but felt that some positive steps were taken last year. He did not agree that placement decisions were being made in Richmond, but actually made at the local CPMT team. He said that there were not always a lot of options when dealing with adolescents with severe problems, but the CPMT made the determination regarding placements based on what was available and that could be extremely expensive. He believed there was a better array of services available on a local or regional level for the more routine placements. He noted, from his experience, that approximately 99 percent of the cases were either in foster care or in special education, both of which were Federal mandated and expensive.

Mr. Underwood stated that he was a member of the local CPMT and quite a few youth were referred by the court system, and he understood these referrals were State mandates. He noted there were single individuals being funded at a greater amount than was being paid for the Board of Supervisors, the School Superintendent, and the County Administrator combined, and there may come a time when the Board would be unable to appropriate sufficient money for the youth.

Senator Houck asked for additional information to be sent to him regarding the State mandated services. He said that foster care and special education were Federal mandates, but he would be interested to learn about the State mandated cases.

Mr. Walker suggested that while some of the changes had been beneficial, particularly the focus to keep recipients locally as opposed to going outside for services, he would like to see a more regional approach in obtaining services, as well as providing services to adjoining counties.

Mr. Bossio stated that the problem was mostly in terms of budgeting because the County did not know what to expect in terms of large "explosions". He wondered whether there was a way to place a cap on services because with the need continuing to grow, there would be less money while mandates remained the same. Senator Houck stated that was the reason he wanted to hear what the State mandates were

that the County was being told it had to meet. He said he could have no impact on Federal entitlements, but he and Delegate Scott could investigate at the State level.

Delegate Scott stated he had sat in on some of team meetings, and Culpeper was fortunate to have the collaboration with the judicial system and Social Services. He said he would echo Senator Houck's comment that if there was something specific they could do from the State standpoint, they would like to know the details. He recalled that former Delegate Broman shared an interest in this area and when he retired, he felt that trying to lessen the local impact of the program was something he left undone.

Mr. Nixon stated that in his six years on the Board, there had been many situations where Senator Houck and Delegate Scott were called upon and they had always been responsive and, many times, successful. He personally thanked both for their assistance to Culpeper County.

Mr. Chase recessed for lunch at 12:34 p.m. and called the meeting back to order at 2:15 p.m.

CLOSED SESSION

Mr. Aylor moved to enter into closed session, as permitted under the following *Virginia Code* Sections, for the following reasons:

1. Under *Virginia Code* § 2.2-3711(A)(1), to consider: (A) An appointment to the Library Board; (B) an appointment to the Disability Services Board; (C) an appointment to the Agricultural Resource Advisory Committee; and (D) an appointment to the Culpeper Human Services Board.
2. Under *Virginia Code* § 2.2-3711(A)(3), (A)(7) and (A)(30), for discussion with legal counsel and staff to consider the terms and scope of a proposed agreement with the Town of Culpeper, regarding boundary adjustment, water and sewer service including a regional water and sewer authority, and related issues, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the county.

Mr. Underwood seconded.

Mr. Chase called for voice vote.

Ayes – Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker
Motion carried 7 to 0.

The Board entered into closed session at 2:16 p.m. and returned to open session at 4:04 p.m.

Mr. Chase polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Ayes – Underwood, Aylor, Walker, Chase, Nixon, Rosenberger, Hansohn

Mr. Aylor moved, seconded by Mr. Walker, to approve the following Committee appointments: Library Board – Dr. David Michael Snyder for term beginning January 1, 2010 and to expire on December 31, 2013; Disability Services Board – Margaret Ast for unexpired term of Amy J. Tyner ending April 30, 2011; and Agricultural Resource Advisory Committee – Joseph B. Keesee for term beginning January 1, 2010 and expire on December 31, 2012.

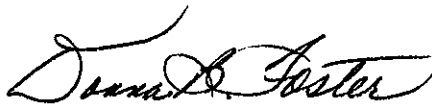
Mr. Chase called for voice vote.

Ayes - Aylor, Chase, Hansohn, Nixon, Rosenberger, Underwood, Walker

Motion carried 7 to 0.

ADJOURNMENT

On motion by Mrs. Hansohn, the Board adjourned at 4:06 pm.

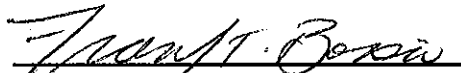


Donna B. Foster, MMC
Deputy Clerk



Brad Rosenberger, Chairman

ATTEST:



Frank T. Bossio
Clerk to the Board

Approved: January 5, 2010

- ➔ Indicates subject with recommendation
- ✓ Indicates recommendation forwarded

AD HOC ANIMAL SHELTER ADVISORY COMMITTEE
Board Room – 302 N. Main Street
Monday November 23, 2009 – 11:00 a.m.

Members Present: Bill Chase, Jamie Bennett, Mary Dale, Rose McKinney, Samantha Whitesides
Staff Present: Frank Bossio, Donna Foster, Terry Sargent
Others Present: Elizabeth Larson, FOCUS Member
Members Absent:

CALL TO ORDER

Mr. Chase called the meeting to order at 11:09 a.m.

AGENDA APPROVAL

On motion of Mrs. Dale, seconded by Mrs. McKinney, the agenda was accepted with it being noted due to Ms. Verheugen not being able to attend; the New Business item was deleted. Deleted New Business

UNFINISHED BUSINESS

a. Update re: Spay/Neuter Mobile Clinic Plan – Rose McKinney

Mrs. McKinney reported the Spay/Neuter Program has been phenomenally successful. She stated she did not know how the shelter would get along without it. She advised, Dr. Jacobson came on November 11, the Veterans Day Holiday, and did over 30 spays and neuters at the shelter. She acknowledged Amy, one of the animal care takers, who came in on her day off and assisted all day and Dana who had cleaning duty for the morning but also stayed all day and, finally she acknowledged Loretta who was there from start to finish. She estimated of the 30 cats operated on at least 12 had been adopted. Mrs. McKinney noted that historically adoptions go up this time of year.

b. Update re: Adoption Program – Rose McKinney

Mrs. McKinney reported the Adoption Program is successful, thankfully, because there are a lot of cats coming in to the shelter. She noted that Culpeper is back to ten cases in the Manassas PetSmart, and they are all full. She added that the Program has been adopting about 5 cats per week all of which are spay or neutered and at that time there were only 3 cages in the play pen at Culpeper. She commented that kittens were going hand over fist and cats were going fast too.

Mrs. McKinney said that she and Elizabeth were doing weekend adoptions and plan to do it on the upcoming weekend, which is the Thanksgiving weekend. On the following weekend they will be going to the Gainesville PetSmart. She noted they had done two adoptions at the Culpeper PetSmart the previous weekend and because it was the adopt-athon weekend they made 25.00 for every cat adopted and there was a total of nine adoptions. On December 6, 13 and 20 the Adoption Program will be hosting a fund raiser, with Santa, at the Culpeper PetSmart. Culpeper Hospital

volunteers will be staffing the first day, on the 6th. The Adoption Program will receive \$5.00 for every photo of a pet taken with Santa.

Mrs. McKinney observed that the Adoption Program had saved hundreds of lives this year and it had been a phenomenal year for cats coming into the shelter. She added she had never seen a year like it. She shared with the Committee she has three litters of kittens under 6 weeks old at her home and noted that was unthinkable for this time of the year. She expressed how grateful she was to PetSmart, for all of the support and especially Elizabeth and Loretta because getting a program like this up and running is a lot of work and they're doing it. Ms. Bennett added it is hard to adopt out cats and to report they are adopting that many is a big accomplishment, because it seems cats are free wherever you go so adopting them is a good thing. Mrs. McKinney commented all of the work they do before the adoptions makes sense. People can adopt a cat through the Program and pay the adoption fee or they can get a free kitten and pay three times as much doing it themselves. She added if the Committee meets in December she will bring all of the statistics for presentation; since the first adoption as part of FOCUS was December 26, 2008 she will have approximately one year's worth of data.

Mr. Chase informed the Committee Ms. Verheugen called him and asked to make a presentation. He was not familiar with the People for Pets Foundation but it appeared to him it would be an addition to the Spay/Neuter program. Mrs. McKinney remarked she had looked them up on the internet and found that Ms. Verheugen was one of the two founders of the People for Pets Foundation, which is a 501C3 non-profit group; the other founding member was Liz Dubenitz. They started the group with the idea of building a spay/neuter clinic to serve Culpeper County, parts of Rappahannock and parts of Fauquier. Mrs. McKinney thought it was a tremendous idea. Mr. Chase said Ms. Verheugen asked if the County had land to put a building on and if so they would be willing to pay to build it. He was not sure how many days a week it would be open and he assumed Dr. Jacobson could do her surgery in the building as well. Discussion of the potential benefits and drawbacks ensued. Mr. Chase concluded the discussion by stating Ms. Verheugen would make her presentation at the next Committee meeting.

Ms. Whitesides added that both Ms. Verheugen and Ms. Dubenitz had contacted her on behalf of the Humane Society. They asked that she be a part of the Spay/Neuter NOW Coalition and assist with getting members of the community involved and trying to put together a community assessment. She looked forward to working with them and felt the community would benefit from it as well. Mr. Chase asked if she felt it would be a good addition to existing programs. Ms. Whitesides replied yes, there are still plenty of people who could benefit, the Animal Shelter and Humane Society cannot serve them all. She added starting in January the Humane Society will have two transports to Harrisonburg for spay and neuter and it is a great deal of work to coordinate the transports.

c. Update re: Trap-Neuter-Return (TNR) Program – Samantha Whitesides

Ms. Whitesides commented they really appreciate referrals. She reported Officer Seaburt has been very helpful and they are still working together on one locality in the County that has a great deal of cats and no one caring for them. She noted she had never come across an area where so many cats were living together and no one lives there to care for them. She commented that was an odd situation, most of the time those areas have someone who is feeding them, so there is always someone present to accept responsibility. This is a case where someone is supposedly stopping by and feeding them, it is the daughter of the mother who used to live on the property. The cats are not in good shape and the health of the population is of concern along with the fact that there is no one there giving them care. She noted that she and Officer Seaburt were working together to find the best way of responding to that issue. She thought decreasing the population was the important issue but

she was not sure she knew how to go about it in the most responsible way. She said it was a very sad situation, the cats are suffering with no one there to care for them. Ms Bennett asked how many there were. Ms. Whitesides replied there were over twenty, with a with range of temperaments some of are friendly, some that are semi-feral and some that are feral and you do not see them. She estimated there may be as many as 50. She stated there is a volunteer goes by from time to time and she is hoping that the Humane Society and the County can find some way to resolve this. Ms. Bennett noted that the State law reads that pet owners do not have to live on the property as long as the animal is getting food and water at least once a day, veterinary care when necessary and vaccinated. She also added in her experience many people deny ownership in these situations and the issue of trapping the animals has its own problems.

Ms. Whitesides related she had only talked with the landowner once and they were interested in getting the cats trapped and getting them some help, but the right solution has not presented itself. She was hoping this issue could be resolved in the next few weeks.

Ms. Whitesides reported on the TNR program stating that unlike last year when there was a break at this time of year, this year they are not getting the break. She commented this year they are actually receiving more calls and the strange thing was that almost every call is for large numbers of cats, 10 cats and up or colonies would be the proper term. She commented that there are never enough resources but if things were in place it would prevent it from being worse with more kittens in the springtime.

Ms. Whitesides stated the Program is doing very well and they are trying to raise funds so they can continue to do the work into the next year.

Mrs. McKinney commented on people who bring in feral cats they had trapped and neutered and then find out they are not wild. She stated some that were friendly had been taken into the shelter for adoption but obviously they could not take in ten or more at a time. Some people had paid for the surgeries and shots and asked that the shelter find them a home. A brief discussion of cats that have been treated and adopted followed. The discussion concluded with Ms. Whitesides commenting she hoped within the next year the Shelter and Humane Society would work together to grow the program especially for kittens and socializing them for adoption

Mr. Chase asked if prisoners were still receiving dogs. Ms. Bennett thought the program was being discontinued based on recent unfavorable press coverage. A brief discussion followed.

d. Update re: Open House

Mrs. McKinney reported a date had not been selected. Mrs. McKinney felt it should be done when the weather is nice, in the April or May timeframe. Ms. Bennett suggested early May and Mrs. McKinney agreed because she anticipated a lot of outside activity as part of the program.

A brief discussion of the pros and cons of adopting pet during the holidays followed.

e. Discussion re: Neighborhood Dog Problems

Mr. Chase reported this issue involved a neighbor of his. He had called the night before to invite her to the Committee meeting but was unable to reach her. He advised the Committee the issue involved the lady's neighbor who owned two pit bull dogs that ran free. His neighbor was afraid for her children and would like to know what she could do. He advised the Committee he would carry the

issue over the December's meeting. The Committee briefly discussed options for dealing with undesirable pet behavior.

Ms. Dale reported she had emailed Jeff Seay who has had contact with Ms. Whitesides and would be interested in doing an in depth article for Culpeper living. Ms. Dale informed Mr. Chase that Mr. Seay was looking forward to speaking with him and she would try to move it along.

Ms. Larson informed Mr. Chase that she and Mrs. McKinney would like to nominate Loretta Clatterbuck for the Culpeper Colonel award. Mr. Chase advised her to contact Ms. Donna Foster for the appropriate form and assistance.

After brief discussion Mr. Chase notified the Committee the next meeting would be held on January 26, at 10:00 a.m.

NEW BUSINESS

There were no items of New Business.

OTHER BUSINESS

There were no items of New Business.

ADJOURNMENT

The meeting adjourned at 11:43 a.m.

***Culpeper Regional Airport
Advisory Committee Meeting
November 18th, 2009
Location: Airport Conference Room***

Present: Tony Dias, Jim Bailey, John Hunton, Mike Dale, Bill Flathers and Bill Chase
Absent: Bob Yeaman
Guests/Speakers: John Corradi, Nate Delesline
Staff: Frank Bossio and Tanya Woodward

Call To Order

- ❖ Mr. Flathers called the meeting to order at 8:00 a.m.

Approval of the Minutes

- ❖ *The minutes from the October 14th, 2009 meeting were approved as written. Ayes all.*

Airport Director's Update

- ❖ The FAA came out and installed the necessary equipment for the new Clearance Delivery frequency 121.6. This will afford the pilots better communication with ATC. This new frequency appears to be working great.
- ❖ The UNICOM frequency 123.075 has been experiencing a "stuck mic" issue for about a month. The FAA and FCC were notified and a search for the cause of the problem began. The issue was resolved last week with the resolution being found at the VCU Medical Center in Richmond, VA. The Medical Center has a radio to contact the medical helicopters and it was tuned to 123.075 and the mic was stuck in the open position. This is like trying to find a needle in a haystack, and through the perseverance of Mike Gooden of the FAA the issue was resolved. We are so appreciative. This will continue to be an issue, though, until VCU has the radio checked.
- ❖ The PAPIs on the approach end of R/W 22 were installed during the first week of October and have had two power outs since then but are currently working fine as are the NDB and Localizer.
- ❖ Mr. Bossio met with Whit Turner and Jose Sorzano regarding the biometric access reader for the gate access several months ago. The unit has been reworked and reinstalled on the field. The unit appears to working since the installation last week.

SAFETY/SECURITY ISSUES:

These were covered above.

CUSTOMER SATISFACTION INDEX: Mike Dale

- ❖ The committee has agreed that it needs to change the questions.
- ❖ Varied discussion here.
- ❖ Everyone is encouraged to email Mrs. Woodward a new series of questions to be discussed by the committee for a new survey.

AIR FEST 2009: 10/10/09

- ❖ The following bullet points were mentioned in the air fest debrief discussion. All members contributed to the discussion, which we will use when planning the next show.
 - Mr. Dale stressed that a master plan needs to be put together for the air fest. A centralized person needs to be appointed that has all knowledge of the show and its contents.
 - Varied discussion on the plans for the show next year.
 - Need of additional sponsors for the show next year.
 - Varied discussion on the PA system for the show.
 - Varied discussion on charging for the show next year or at least certain aspects of the show.
 - Discussion on the program and how it benefited the show.
 - Mr. Dale will collect and collate pros and cons emails from the committee members regarding the show and we will discuss at the November meeting.
 - **See attachment on bullet points.**

Open Discussion

- ❖ 40th Anniversary of the Airport establishment is recognized.
- ❖ Chapter 186 will be holding a meeting.

Adjournment

- ❖ The meeting was adjourned at 9:35 a.m.

Attachments:

- Air Fest issues: Mike Dale compiled

Approval:

Chairman: _____ Date: _____

Secretary: _____ Date: _____

- Indicates subject with recommendation
✓ Indicates recommendation forwarded

BUILDING & GROUNDS COMMITTEE
Board of Supervisors Room – 302 N. Main Street
Tuesday, November 17, 2009 - 8:00 a.m.

Members Present: Larry Aylor, Steven Walker, Steve Nixon
Staff Present: Frank Bossio, Roy Thorpe, Paul Howard, John Egertson
Donna Foster
Others Present:
Members Absent: None

Call to Order

Mr. Aylor called the meeting to order at 8:03 a.m.

Approval of Agenda

Mr. Walker moved, seconded by Mr. Nixon, to approve the agenda as distributed. The motion carried with all Ayes.

Approval of Minutes

Mr. Aylor presented the minutes from the October 13, 2009 meeting. Mr. Walker moved, Mr. Nixon seconded, to approve the minutes as presented. The motion carried with all Ayes.

UNFINISHED BUSINESS

a. Update regarding bids on renovating the first floor of the Courthouse

Mr. Howard briefly discussed the background of the renovation project and informed the committee he had included a copy of the bidders list in their committee packet. He reported that a mandatory pre-bid meeting was held on October 27th, with a very good turnout. He also advised that two bidders had withdrawn from the bidders list. Mr. Howard stated it was his intent to take to the bids the December Board meeting unless the Committee objected or some unforeseen concerns arose, in which case the bids would be brought back to committee. He then briefly discussed the project, which is scheduled to take 210 days, and the plans to move the various offices that will be affected by construction. He concluded by stating, with the contractors concurrence, construction should start around the beginning of the year.

Mr. Aylor noted Smart Choice Construction was listed on the bidders list and asked if that was the MD Russell Company. Mr. Howard believed it was. Mr. Aylor commented it was his understanding that Chuck Stephenson was one of the partners and asked if that would incur any conflict or risk for the County since his license was suspended. Mr. Howard believed Mr. Stephenson's was an engineering license and he did not know what role Mr. Stephenson would play in the renovation project therefore Mr. Howard was not sure if there was a potential conflict. Mr. Aylor stated he was not sure how the committee felt but he thought it was something that needed to be checked out. Mr. Thorpe stated he would be glad to work with Mr. Howard to get more information before the bids were taken to the full Board. Mr. Thorpe noted it may not be an issue because Mr. Stephenson may not be with the firm or the company in question may not have the best bid. Mr. Aylor stated his only concern was ensuring the County did not have any risk involved. He felt just because of the exposure, newspaper coverage and public knowledge,

the issue needed to be addressed for the County's protection. Mr. Nixon commented it would only be an issue if the company were on the final bidders list, if they were not then it wouldn't matter. Mr. Thorpe agreed.

Mr. Walker asked if Mr. Howard was looking for a recommendation from the Committee that if the bids come in within the budget, he could take them forward to the Board. Mr. Howard replied that he was asking for the Committee's concurrence if the bids come in at or below the budget they can go forward to the Board. Mr. Nixon asked when the deadline for the bids was, and how long it would take to process them and come up with a recommendation. Mr. Howard replied bids were due the next day, November 18th, and it would take until the end of the week to review them and ensure everything was in line. He added the bids were good for 60 days covering the Board meetings for both the December and January so it was the Committee's choice if they wanted to review the bids in Committee at the December meeting.

Mr. Walker commented the Committee could call a special meeting if necessary. Mr. Aylor remarked if the bids were within the budget he was comfortable with Mr. Howard moving forward with them.

Mr. Nixon was concerned, because in the past the County has gone with lowest bidder and then received multiple change orders to make the project work which raised the price and he did not want to see that happen with the Courthouse renovation.

Mr. Walker asked if there were alternates in the renovation plan. Mr. Howard responded the upstairs renovation behind the General District Court was to be considered an alternate and some of the heating and mechanical systems were also. Mr. Walker questioned if the alternate projects were included within the base budget figures. Mr. Howard replied yes they were included as electives and can be taken out if they cause the renovation to go over budget. Mr. Nixon clarified that, in fact, the alternates were over and above the base bid. Mr. Howard agreed they were.

Mr. Nixon moved, Mr. Walker seconded if the bids come in at or below the budget without the alternates it could be moved directly to the Board if it is above the budget or if staff decided to include the alternates then it must be brought back to the Committee and it cannot go to the Board. The motion carried with all Ayes.

b. Update regarding providing storage space for Full Circle Thrift in the former Salem Fire Hall

Mr. Howard reported he and staff had been working with the New Salem Baptist Church on the former Salem Fire Hall lease and with Full Circle Thrift on the sublease for a portion of the building. He recalled in the last meeting the Committee had asked for 3, 5 and 10 year sublease options for consideration. He advised he had met with the Full Circle Thrift leadership which proposed a 5 or 10 year lease option and indicated they were not interested in a three year option. He reported they had also included a \$5,000 or \$10,000 capital contribution based on the 5 or 10 year lease with a straight line depreciation for reimbursement if the County terminated the lease prior to the expiration of terms. He added their Board has not met to approve the terms, but Lisa Peacock and John Bossong were present and they had reviewed the lease and were prepared to make recommendations to their Board the following night, November 18th. Mr. Howard noted that in addition to the terms of the lease Full Circle Thrift would be responsible for the utility costs unless the County subleases other portions of the building then utilities would be prorated. Until that time he noted they would also be responsible for snow removal and lawn care as well as paying for any upgrades to the area they are assigned, to facilitate their operation. He advised that the church had consented and concurred with the sublease to Full Circle Thrift.

Mr. Nixon questioned if the church had to concur with any sublease. Mr. Thorpe replied yes that was in the lease between the County and the church. Mr. Nixon stated he thought from what was

presented at the last meeting that Full Circle Thrift was going to pay for the renovations to the building. Mr. Howard stated the Board approved a lease agreeing the County would pay up to \$67,000 for renovating the building, the mold/mildew abatement, dehumidifiers and air conditioning repairs/maintenance and Full Circle Thrift had agreed to pay \$10,000 toward that; therefore, the County would be netting \$56,000. Mr. Nixon commented that was not his understanding from the last meeting he thought they would be paying the full cost of the renovation. Mr. Thorpe believed what they had proposed was to cover the full utility cost and the operational costs. Mr. Howard added any renovation they would make to improve the space for their needs they would pay for but not for the entire renovation of the building. They would contribute \$10,000 toward the building renovation. Mr. Nixon remarked that he may need to look at the minutes of the last meeting because that was not the impression he had of that meeting.

Mr. Walker believed he recalled the discussion in the previous meeting the way Mr. Howard suggested. Discussion of the depreciation for reimbursement clause followed.

Mr. Walker noted upon reviewing the previous month's meeting there had been some discussion of storing the EMS command vehicle in the Salem facility. Mr. Bossio thought there was still a storage rental agreement issue and would have to follow up with EMS. Brief discussion of the storage arrangements of the command vehicle ensued.

Chairman Aylor asked if the Committee was ready to make a motion.

Mr. Walker wondered if the Full Circle Thrift representatives had any thoughts or comments to share with the committee. He also commented on the base lease with the New Salem Baptist Church and stated the church has the right to remove the County from the lease and advised that Full Circle Thrift was subject to that as well.

Mr. Bossong addressed the Committee and thanked the County for the opportunity to use the Salem facility. He stated they had no other plans for the building and he would present the lease to his Board Wednesday, November 18th. Mr. Thorpe asked if they had a time preference for the lease. Mr. Bossong stated they preferred 10 years but five was acceptable. He asked about the timeframe for paying the \$10,000. Mr. Aylor stated it would be due in January 2010. Mr. Bossong indicated the money was set aside and available and January would be no problem.

Mr. Walker moved and Mr. Nixon seconded to accept the lease as presented for a 10 year period.

Mr. Nixon read an excerpt from October's minutes regarding the Full Circle Thrift lease discussion, to support his thought that Full Circle would be contributing the renovation costs.

Mr. Aylor called for a voice vote. The motion carried with all Ayes.

ADJOURNMENT

The meeting was adjourned at 8:24 a.m.

- ➔ Indicates subject with recommendation
✓ Indicates recommendation forwarded

PUBLIC WORKS COMMITTEE
Board Room – 302 N. Main Street, Culpeper, VA
Wednesday, November 18, 2009 - 11:00 a.m.

Members Present: Sue Hansohn, Larry Aylor, Steve Walker (alt.)
Staff Present: Frank Bossio, Roy Thorpe, Paul Howard, Jim Hoy, John Egertson, Donna Foster
Others Present: Steve Walker
Members Absent: Tom Underwood

CALL TO ORDER

Mrs. Hansohn called the meeting to order at 11:00 a.m.

AGENDA APPROVAL

Mr. Aylor moved, Mr. Walker seconded, to approve the agenda as amended. The motion carried with all Ayes.

NEW BUSINESS

* a. **Consideration of request from Melvin Helmick to land apply biosolids on property, which he leases from the County. Mr. Helmick leases tax parcel 42/41E, which is the site of the County's 100,000 gpd sewage treatment plant on Mountain Run, directly adjacent to Mr. Helmick's farm.**

Mr. Egertson presented the background of the issue: The County obtained a 20 acre property from Mr. Helmick and subsequently constructed a sewage treatment facility on the property which serves Eastern View High School. In 1999, the County agreed to lease the property to Mr. Helmick to raise hay and graze cattle. That lease is month to month, with no expiration, but can be terminated by either party with 30 days notice. In 2000, the Board did approve a request from Mr. Helmick to apply biosolids. Mr. Helmick was requesting County sign-off on a Biosolids Application Landowner's Agreement between the County and Recyc Systems, Inc. similar to the one approved in 2000.

Mr. Egertson explained that the Board had specifically prohibited some others from applying biosolids. However, this request was a little different, because it should not affect the neighbors like the others would, considering Mr. Helmick's property surrounds the area where the biosolids would be applied. Mr. Bossio reemphasized that the property also contained a County sewer plant.

Mr. Aylor noted any property that the County has that is in agricultural use, the County had prohibited the application of biosolids. Mr. Egertson agreed noting that provision was included in the leases and it was usually those properties with potential for becoming a park.

Mr. Walker noted he would not support approving the request because he was not in favor of biosolids in general.

Mrs. Hansohn stated she did not have a problem with the biosolids being applied.

✓ Mr. Aylor moved, Mrs. Hansohn seconded, to recommend approval of the request.

The motion carried 2 to 1 with Mr. Walker voting Nay.

* **b. Update on the County's petition to the State Water Control Board to extend the compliance deadline for the conditional nutrient waste load allocation assigned to the Mountain Run Wastewater Treatment Plant.**

Mr. Howard explained that the County submitted a request to extend the compliance date for obtaining a Certificate to Operate the Mountain Run Wastewater Treatment Plant in accordance with the General Assembly's legislation. The State Water Control Board considered the County's request, and six others, but only granted extensions to the three petitioners who had initiated construction. A copy of the County's petition, and the State Water Control Board Minutes were included with his report. Mr. Howard noted the County received nutrient allocations associated with 2.5 MGD of flow with 1.0 MGD footnoted that it had to have a Certificate to operate by December 31, 2010. The SWCB action eliminated the 1.0 MGD allocation leaving 1.5 MGD's worth at this time.

Mr. Howard pointed out that the EPA's TMDL processes currently underway would supersede the allocations, which were granted by the DEQ a number of years ago. He noted EPA was developing a TMDL for the entire Chesapeake Bay. Based upon their new models and data, they will basically follow a similar process of allocating nutrient waste load allocations in the form of nitrogen and phosphorus to each basin and allow the States to divide it within the basin. EPA will determine how much nutrient, nitrogen, and phosphorus will be allowed in the Rappahannock, James, Potomac, York and all six entities that contribute to the Bay. DEQ will take the allocation given and split it between point source and non point source within the Rappahannock River and each entity thereon. He noted it requires an implementation plan and a two-year update to the EPA on progress made on all of this.

Mr. Howard stated the EPA is working on the allocations and will have a rough draft in December and it will be put out for public comment in June. The EPA intends to have the adoption by August 2010. He noted the schedule has been accelerated by the executive order issued by President O'Bama's Administration. The original compliance date was 2012. He noted the County needed to stay involved and stay abreast of how the process is evolving and manage its allocations over the next couple of years.

Mr. Howard noted that it was contemplated that the allocations will be significantly less than before. He noted this would have a significant impact on some of the non point source for the point sources to obtain credits and offsets as previously discussed.

Mr. Walker asked how EPA would police non point source. Mr. Howard stated this would be challenging and discussed his views on how this would be handled. He thought they would establish a baseline based upon land uses and what is taking place on property, make some assumptions of what is coming off of the property, and when improvements are made they would require the point source to obtain the off set to make sure the non point source was complying with their abatement implementation program. He noted it was not an exact science but believed that was the plan.

Mr. Bossio noted when they fail; they will come back to the non point source for remedy.

Discussion ensued.

In response to questions, Mr. Howard noted the Town of Culpeper had requested an additional allocation. The Town's current allocation was based on 4.5 million gpd and it had constructed a 6 million gpd plant. The Town requested to go up to 6 million gpd and this was denied. He discussed how the Town could still operate, but the costs would be more.

Mr. Thorpe noted non compliance problems along the Susquehanna River and questioned what Pennsylvania was doing for compliance. Mr. Howard stated he was not sure. He knew that EPA was modeling it and supposedly each state is getting allocations based upon their assumed contributions to the Bay.

Following further discussion, Mrs. Hansohn suggested that the senators and congressman in Washington D. C. needed to be contacted on these issues. Mr. Bossio stated that Congressman Cantor was aware of these problems and agreed the others should also be contacted.

Mr. Howard noted that EPA representatives had indicated that there might be Federal money that may be made available to help with these compliance issues.

Mrs. Hansohn suggested the County should formally contact its U.S. Legislative representatives to try and get their interest in addressing this issue. She believed actually visiting with them would be good.

Mr. Bossio suggested placing this on the Legislative Committee agenda as a Federal legislative issue.

Mr. Thorpe noted that a lot of Federal money went into cleaning up Boston Harbor and San Francisco Bay and agreed with Mrs. Hansohn on trying to pursue the legislators' attention on these issues.

c. Virginia Department of Mines, Minerals and Energy 2009-2010 Biomass Energy Grant Program

Mr. Howard distributed copies of a grant application he had submitted for a biomass landfill gas energy system at the landfill. He highlighted the background noting that in 2008 the County had considered selling carbon credits from the landfill gas that is being generated. He noted the current system pulls gas out of the landfill methane and vents it into the atmosphere. He noted the carbon credits are now selling for \$6.00 per ton and there are entities to buy them. Mr. Thorpe noted the capital cost at putting in the system was too much for the size landfill the County had. The biomass grant has become available and it would cover the cost of putting in a generator system on the back of the gas blower. He discussed how the power generation could be used to run the blower and in turn sell the power back through the power grid.

He noted that for every 1 ton of methane that is recaptured and reused, 21 tons of carbon offset because of the affect the methane has on the atmosphere.

Mr. Thorpe further discussed the total grant of \$305,600 application and the County match is 25%, which would be \$76,400, which could be in the form of in-kind, or cash. He believed the in-kind could be used. He noted there is \$233,000 in the environmental remediation fund in the current budget. He noted the grant would include 5% for the Regional Planning Commission to administer the grant. He noted it was roughly \$200,000 for equipment, \$30-40,000 in engineering and administration fees, and \$50,000 for construction.

He noted Dominion Power would pay 5 cents per KWH for green power that is put back into the grid and also the carbon credits could be sold. He estimated \$24,000 per year could be earned on the power sales and \$48,000 per year on carbon credits at \$5 per ton and operations and maintenance on the blower would be \$30,000 per year. This would leave a net positive of \$15,000 per year if the assumptions hold true. He stated that \$4,500 was being spent per year to run the electric blower.

The Committee discussed the Board's policy to approve the application for grants.

Mr. Bossio noted this item could be placed on the Legislative Committee agenda for November 23 since the committee acts in the capacity of a committee of the whole and then the ratification and acceptance of the grant if received would be taken to the Board for approval.

The Committee agreed this could be done.

Mrs. Hansohn noted that the Board's policy should be considered since the turn around on grant applications seem to be much quicker now. Mr. Walker agreed. This will be an item for the Rules Committee agenda.

CLOSED SESSION

Mr. Aylor moved, Mr. Walker seconded, to enter into closed session, as permitted under the following *Virginia Code* Section, and for the following reason:

- * 1. Under *Virginia Code* Section 2.2-3711(A)(30), to discuss the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

The motion carried with all Ayes.

The Committee entered Closed Session at 11:30 a.m. and reconvened in Open Session at 11:40 a.m.

Mrs. Hansohn polled the members regarding the closed session held. She asked the individual committee members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Aylor, Mr. Walker, and Mrs. Hansohn all responded Aye.

✓ Mr. Aylor moved, Mr. Walker seconded, to recommend to the Board approval of entering into a contract with WW Associates for engineering services to design water and sewer lines extension in the Town environs. The motion carried with all Ayes

ADJOURNMENT

The Committee adjourned at 11:42 a.m.

- Indicates subject with recommendation
✓ Indicates recommendation forwarded

RULES COMMITTEE MEETING
Board Room – 302 N. Main Street
Tuesday, November 17, 2009, 2009 – 8:30 a.m.

Members Present: Steve Walker, Steve Nixon, Tom Underwood
Staff Present: Frank Bossio, Roy Thorpe, Bob Orr, Danny Bartges
Donna Foster
Others Present: Larry Aylor
Members Absent: None

CALL TO ORDER

Mr. Walker called the meeting to order at 8:30 a.m.

AGENDA – Approval of Agenda

Mr. Nixon moved, Mr. Underwood seconded, to approve the agenda as presented. The motion carried with all Ayes.

UNFINISHED BUSINESS

→ a. **Consideration of proposed amendment to Chapter 6 Building Regulations of the Culpeper County Code by enactment of Section 6.4 Enforcement of the uniform Statewide Building Code, Part I, Virginia Construction Code and Part III, Virginia Maintenance Code, to include sections identified as “unsafe structures or structures unfit for human habitation.”**

Mr. Walker referenced the consideration of the proposed amendment to Chapter 6 Building Regulations and noted that Mr. Orr had a special power point presentation he wanted to make. He asked if the members had any comments they wished to make prior to the presentation.

Mr. Underwood stated he had the same concerns as he had at the last meeting and was interested in what update Mr. Orr had to offer.

Mr. Orr thanked the Committee for allowing him to provide a quick photo tour of properties within the Town and County that would demonstrate why Staff was interested in proposing the amendment. He discussed the condition of each property with the Committee as the photos were displayed.

Mr. Nixon asked if Mr. Orr's intent was to try to fix all the dilapidated properties. Mr. Orr stated his intent was to notify the property owners that they have to secure the property for safety purposes. Mr. Nixon asked if the overlay district entrance corridor rules would apply in any way. He clarified that if Mr. Orr required the owner to take certain actions, the owner may also have to adhere to that code which could add costs. Mr. Thorpe stated he would check into that question, but he believed that the overlay district was predicated on renovation that the property owner was initiating on his/her own. And, what Mr. Orr was speaking on was an order from the Building Official to secure a building. Mr. Thorpe stated he would hope that this would not trigger the enforcement of the overlay district requirements, but he would research this further.

In response to questions, Mr. Orr stated he would not require a permit for an owner to board up a structure. Mr. Orr discussed the difference between repairing a roof and securing it and it was a fine line between the two.

Mr. Walker asked if the code would define the fine line between the two. Mr. Orr stated it was primarily up to the building official and what that individual deems as minor, ordinary repairs. Mr. Walker asked if this could be clarified in the ordinance. Mr. Thorpe did not recommend it, because building officials are certified and are suppose to discharge their duties in accordance with the law and as trained by the State.

Mr. Underwood questioned the number of farms that may contain structures such as those being shown. He stated where he lived there were similar structures and he really did not know of farms around him that did not have similar structures.

Mr. Orr discussed an illustration of a dilapidated structure being within view and close to other homes, and how he would take action on this type situation to ensure the property is secured. Mr. Nixon stated the proposed ordinance did not state if it was in the middle of a farm with a lot of acres around it that it would be exempt. Mr. Underwood stated until that type of exemption was made, he would not support the amendment.

Mr. Nixon stated since the ordinance did not specify where the building was, in what proximity it is with other buildings; therefore, the building official would have absolute authority to go in and do what he wanted to do. He said he had concern with that and not that he thought Mr. Orr would over-administer the ordinance, but someone in the future could. Mr. Orr stated the intent was for public safety and that would be the way he would administer it.

Mr. Orr continued his photo tour and discussion of the structural problems identified. He noted the goals were "health, safety and welfare"

Mr. Bossio asked who was liable since the County does not have an ordinance. Mr. Thorpe stated the County would not be liable; however, the County has the authority to exercise the police powers granted to it by the State to protect the public. The balance is the option to provide the protection versus the property owner's rights. He believed the State Code was predicated on complaint and not just a situation on the County going in on someone's private property, but there should be a complaint or threat to the public health, safety and welfare. He stated the response of the County has to be reasonable. He stated an old house on farm property might have been converted to a farm storage building. Mr. Thorpe stated if the County did not enact the amendment, the question was what does the County do in response to complaints and the hands of the building official may have been tied.

Mr. Underwood stressed the need to address this at the State legislative level. He stated his trust in the current building official staff, but noted the code is not just for when Mr. Orr is administering it. He did not like passing ordinances that are left up to the discretion of individuals. He said the State does not allow the ability to tightened the ordinance to address certain situations when houses meet a certain setback or are within certain zoning districts. He believed there were many ways to address the issues. He agreed the examples displayed by Mr. Orr did need to be addressed due to the districts they were in.

Mr. Nixon read a portion of the State law and noted that it was not based on complaint, unless it was a rental unit. Mr. Orr noted that what Mr. Nixon read from was an addition to the packet this month just to show what the County's current ordinance allowed. He agreed it was by tenant complaint only.

Mr. Thorpe and Mr. Orr briefly discussed what was being adopted and with Mr. Thorpe correcting his earlier references regarding it being complaint based. During this discussion, it was determined that the proposed amendment had been inadvertently left out of the packet.

Recess: A brief recess was taken so Mr. Orr could obtain the copies needed. The Committee recessed at 8:55 and reconvened at 9:02 a.m.

Mr. Orr distributed copies and discussed the proposed amendment. Mr. Walker asked questions concerning any recourse the property owner would have if he objected to being required to secure his property. Mr. Orr explained the adoption would include the appeals process portion of the ordinance. A brief discussion ensued on the membership of the Board of Building Code Appeals.

Mr. Aylor left the meeting at 9:08 a.m.

Further discussion ensued relative to concerns with a building official being over zealous with the enforcement of the ordinance.

Mr. Thorpe assured the members that the Board could certainly repeal the ordinance in the future if it deemed it appropriate to do so. In response to questions, Mr. Thorpe stated it was possible to include a sunset clause or put effective dates on the ordinance.

Mr. Bossio stated it appeared the major concern was an over extension of authority for the Building Official and asked if there was a way to put, in the local code, a limitation on what can be done. Mr. Thorpe did not recommend that this be done and explained why.

Mr. Walker noted at the last meeting the issue of being able to respond appropriately to an emergency event versus addressing a public or nuisance situation was mentioned. He suggested that possibly some direction could be set on how to address these different situations. Mr. Thorpe suggested that this not be a legislative goal, because it could raise collateral issues. He believed the bottom line was that the Board set policies and the day-to-day operation is through the staff at the direction of the County Administrator. Therefore, if it was believed that the employees are running loose, then the Board should let the County Administrator know that something needed to be done.

Discussion ensued with Mr. Bartges suggesting that consideration be given to providing a sunset clause for the proposed amendment to make it correspond with the USBC cycle. He noted the 2006 USBC would be reviewed in about 18 – 24 months and this would allow the County to get a snap shot of the type of enforcement that was being done.

Mr. Underwood suggested reviewing the local authority issue further at the Legislative Committee meeting on November 23, 2009. Mr. Nixon stated this could be done; however, it would not solve the immediate issue.

Mr. Walker asked if Mr. Bossio had any suggestions on how it could be handled administratively.

Mr. Bossio stated based on the way the State is written, the only recourse was to look at addressing it through the legislature to see if there could be some relief given for local administration.

Discussion ensued. Mr. Nixon asked if Section 105 had to be adopted in its entirety. Mr. Thorpe explained that the recent change to the State Code allowed localities to adopt the two sections versus having to adopt the entire maintenance code. However, there was no authority to just adopt portions of the two sections.

Following a brief illustration of concern, Mr. Nixon stated he going to give the benefit of

the doubt that the Building Official would administer the proposed amendment in a fair and equitable way and in the manner that it would not reflect poorly on the County.

✓ Mr. Nixon moved to approve Section 105 and 106 of the Maintenance Code and to make it run concurrent with the revisions of the USBC, so when that expires, the Board would have to readopt the amendment. He asked if this was possible.

Mr. Thorpe noted yes that the proposed ordinance could be revised to have an expiration date that could coincide with the existing USBC. He asked if the Committee wished for the revision to come back to the Committee. Mr. Walker believed it should.

Mr. Thorpe asked if that was a request to amend the motion to come back to the Committee.

Mr. Nixon, for clarification purposes, stated what he was suggesting that the amendment be adopted as presented and that it run concurrent with the existing USBC and when that building code is revised then this would also have to be revised and adopted with the new USBC. Mr. Orr projected the USBC would be updated in 2012.

Mr. Nixon reiterated that amendment, if adopted, would run concurrent with the State Building Code and when the new revision comes out for the State Building Code it would have to be adopted again. (Clerk's Note: The County Attorney and Building Official realized after this meeting that Section 104 had to be included in the proposed amendment.)

Mr. Walker seconded.

Mr. Nixon stressed that he had reservations about doing this for all the reasons he had expressed; and if the Building Official's department started going out and making every body's life miserable then he would put a motion before the Board to repeal it.

Mr. Underwood stated he understood the staff's challenge and Mr. Nixon's belief that the authority was needed to help with the problem. He said he believed if it passed the Staff would administer it effectively and there would not be any problem in the near term. He said the reason he did not support the motion was that it was expanding the authority of government at the expense of the individual landowner and his constituents did not want him to do that.

Mr. Nixon stated he agreed; however, he hoped the amount of good would outweigh the bad. He noted there were situations that really needed to be addressed and he discussed how it affects surrounding neighbors.

Mr. Thorpe stated his understanding of the motion was that it would not have to come back to committee.

Mr. Walker stated this was correct. Mr. Nixon clarified that any future revisions would come back to the committee. Mr. Thorpe agreed.

Mr. Walker asked the Clerk to read the motion.

The motion carried 2 to 1 with Mr. Underwood voting Nay.

Mr. Bossio asked Mr. Orr to do an article for the Culpeper Minutes to encourage people to take actions on their own. Mr. Orr indicated he would.

Mr. Bossio stated the question of possible legislative changes would be put on the Legislative Committee agenda.

Mr. Walker stated when the amendment was discussed at the Board level, possibly some emphasis could be put on the emergency side with pictures available on the properties such as townhouses, etc. that are infringing on other people's property.

NEW BUSINESS

*** a. Review of Board of Supervisors Rules of Procedure**

Mr. Walker stated action was not needed at this time on this issue, but he believed consideration should be given prior to the rules being considered for adoption at the January Board meeting. Mr. Underwood stated he was pleased to see the item on the agenda.

Mr. Nixon asked if the Closed Session sections were in compliance with state law. Mr. Thorpe stated that he had read through the Section 2-6 and it appeared the language complied with the Virginia Freedom of Information Act.

Mr. Walker noted the rules had no legal impact, but were what the Board agreed to abide by. He noted there had been quite a bit of discussion over the years on what items should be carried into closed session and asked if there were any guidelines on this subject. Mr. Thorpe responded that a pamphlet published by the University of Virginia provides practical guidance and he believed each member has a copy that could be used.

Mr. Thorpe commented he had originally thought portions of the rules such as Section 2-6, which are superseded by the Code of Virginia, should be deleted from the rules of procedure; but if they serve as a good, easy reference it was perfectly acceptable to leave them in.

Mr. Nixon questioned Section 4-4, specifically paragraph A. He stated the Board needed to be more mindful of not discussing the motion before it is duly seconded. Mr. Thorpe asked if the rules would be discussed prior to their adoption at the January meeting. Mr. Walker stated it would depend on what the Committee did on moving the matter forward. Mr. Thorpe suggested that would be a good time to point out the rules that the Board did not seem to be adhering to.

The Committee believed it would be acceptable for the Attorney to bring these points forward to the Board. Mr. Walker pointed out that paragraph D and E should be stressed as well. Mr. Nixon and Mr. Walker discussed the need to adhere to the courtesy type rules with the understanding that the Chairman can grant some latitude.

Mr. Underwood referenced Section 2-1A and asked if it should be more clearly defined regarding the moving of the meeting when it falls on Election Day, which should save time and money. Mr. Thorpe clarified that based on the State law, the County could advertise its calendar for the year and then it only had to republish if the dates change. He noted it was a good idea to continued the current practice of publish any meeting changes to keep the public informed.

Mr. Walker stated he understood Mr. Underwood's point and suggested that 'B' could be incorporated into 'A'

Discussion ensued on the fact that the Board has not traditionally changed its meeting when Town elections fall on Board Day. The Committee discussed how the wording of the section seemed to apply to any and all elections that fall on Board Day because it stated "shall" which is not permissive.

Mr. Bossio suggested it could be decided at the time the yearly calendar is established. Mr. Thorpe asked if the rule needed to be changed. The Committee was comfortable with the section as written.

Mr. Underwood asked if everyone was okay with the meeting times and holding two regular Board meetings on the same day. He stated he preferred to start at 9:00 a.m. and having the two meetings on two separate days which would allow more time for considerations. However, if that was not the desire of the Board, he was accustomed to what was being done.

Mr. Nixon stated that frequently there are people who want to speak before the Board and they come from some distance and it might make it more difficult if the time was changed to earlier.

Mr. Bossio pointed out that some localities hold work sessions and this ended up being the same as having the two meetings. Mr. Thorpe recommended that the Board not utilize scheduled work sessions because it caused some problems with the Freedom of Information Act and citizen complaints. Mr. Underwood stated this was not his suggestion. He noted other localities still meet on two different days and the County of Culpeper use to. He discussed the advantages of doing this.

Mr. Nixon stated with the two different days it would mean extra commitment on the staff's time as well as the Board's. He noted special meetings could always be scheduled for special issues, which require more involved consideration. Mr. Underwood stated he was okay with leaving the meetings as currently set.

Mr. Nixon commented on Section 4-3 Citizens' Time noting that some citizens appear before the Board time and time again, sometimes making very critical statements about the County, and many times the issues brought were not within the Board's authority to address or resolve. He asked if something could be added to address this problem.

Mr. Underwood stated that some counties limit the number of times per year an individual can speak.

Mr. Thorpe suggested if there is a limitation it needed to be clearly stated and not subjective. Legally, the citizens do not have to be heard at every meeting; however, it may be politically correct to do so. He further discussed how sometimes the citizens can take up so much time that it blocks the governing body from being able to act. He stated if the Committee wanted to make a change that would limit the citizens to having to speak on matters that are within the range or jurisdiction of the Board, he could research this further and bring some information for the Committee to consider. He further discussed how the citizen forum is sometimes utilized inappropriately.

Mr. Walker stated it would be helpful to see if there was language used by other localities to address this issue. Mr. Nixon pointed out that his intent was not to necessarily limit what they discussed, but the number of times they could come before the Board to discuss the same concerns with no possible resolution by the Board. Mr. Nixon stressed that his intent was to try to give the chairman some appropriate language to use when needed.

Mr. Walker suggested that Mr. Thorpe check to see what other communities may have available on this subject.

Mr. Walker asked if any consideration should be given to how joint meetings are handled.

Mr. Thorpe stated he would research this along with the public address question and bring something back to the Committee at its next meeting.

He noted the bottom line is that the joint meetings are conducted the same as other meetings under the Freedom of Information Act. Mr. Walker stated he was just questioning whether some guidelines were needed in the rules of procedure on how to establish joint meetings.

Mr. Walker referenced Page 9 Paragraph 0 and asked Mr. Thorpe to review it for comment. Mr. Bossio commented that it was there to require applicants to be present when the Planning

Commission had referred their issue to the Board. He noted the recent instance when an applicant did not show up and the case was postponed.

Mrs. Foster referenced Section 5-2 and noted that the timeframes contained were not always met and Section 5-3, which required the publishing of the agenda in the newspaper, was not being done.

Mr. Thorpe pointed out that the rules do not have the force of law; they are advisory.

Following discussion, Mr. Nixon moved, Mr. Underwood seconded, to eliminate the last sentence of Section 5-3 and to change Section 5-2 as follows:

A The preliminary agenda and related materials for regular Board meetings shall be electronically posted and received by each member of the Board and the County Attorney at least ninety-six (96) hours by 4:00 p.m. on Friday prior to the meeting, unless a later time is approved by the majority of the Board.

B The preliminary agenda and related material shall be made available to the public within the County Administrator's offices at least ninety-six (96) hours by 4:00 pm on Friday prior to the meeting, or at least simultaneously with the Board's receipt.

The motion carried with all Ayes.

The Committee agreed that the revisions and research information would be further reviewed at the December Committee meeting.

On motion by Mr. Nixon, seconded by Mr. Underwood, the meeting adjourned at 10:17 a.m.

Pending Items:

- Discussion of fireworks display approval procedure
- Discussion regarding Closed Session policy/recommendations
- Discussion regarding the history of the Planning Commission

11-25-2009 Town and County Interaction Committee Minutes
7:30 a.m., Third Floor Conference Room, Municipal Building

Town Members Present: Chairman duFrane, Mr. Risner, Mr. Yowell

County Members Present: Mr. Underwood, Mr. Nixon, Mr. Walker

Town Staff Present: Mr. Muzzy, Mrs. Allen, Mr. Hively, Mr. Bunker

County Staff Present: Mr. Bossio, Mr. Egerton

CALL TO ORDER

Chairman duFrane called the meeting to order at 7:31 a.m.

AGENDA APPROVAL

Mr. Nixon moved, Mr. Risner seconded, approval of the agenda as presented. The motion carried by voice vote.

UNFINISHED BUSINESS

County Item: Combining/Joining Town & County Planning & Zoning and Parks & Recreation Services

Mr. duFrane stated Council had not yet discussed the issue because its retreat had been cancelled. Mr. Underwood noted the County was facing budgetary pressures and was interested in improving constituent services as well; therefore, discussing ways to streamline Planning & Zoning and Parks & Recreation services was a high priority. Mr. Risner concurred.

Mr. Egerton referenced a handout on streamlining services (copy included in meeting packet) and made the following comments:

- Town and County staff met to discuss ways to improve customer service.
- Certificates of Occupancy: Currently, the County Building Department distributes the certificates which must be signed first by Town staff and then returned to the Building Department for signature. An electronic signature would reduce the number of office visits for customers.
- Architectural Review Board (ARB): The Town Planning and Zoning Department will forward information regarding the ARB to the County Building Department. The Building Department cannot enforce ARB requirements; however, it will ensure Town staff is present at final inspections of ARB projects.
- Business Licenses: The Town Clerk's Office already notifies applicants that signatures are required from Town Planning & Zoning before the application can be reviewed by the County.
- County Building Permits: Information will be made available at Town offices to streamline customer service.

Mr. duFrane questioned ways to reduce costs for overlapping Town and County services. Mr. Risner referenced a recent ARB incident and indicated greater understanding between Town and County departments would save staff time, which would reduce costs somewhat.

Mr. Walker suggested combining GIS services to reduce licensing, operational, and maintenance fees.

Mr. Underwood stated improving constituent services was his major concern. He noted there should not be a change in control of functions between the two governing bodies; however it would be beneficial to work together to reduce duplicative services. He stated streamlining services may not change the number of personnel; however it could free staff time to focus on other services and prevent future staff increases.

Mr. Risner agreed with Mr. Underwood and stated if Council agreed to move forward at its retreat, staff could determine which should be streamlined.

**Town & County Interaction Committee
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Mr. duFrane asked Mr. Risner to prepare a report on improving and streamlining similar Town and County services for submission to Council. Mr. Risner replied he would research the issue.

A brief discussion ensued on GIS services. Mr. Risner stated Town staff would need direction from Council to fully research all areas of service; however, the Town Manager and County Administrator could direct staff to move forward with GIS issues.

Mr. Nixon stated he was pleased Mr. Risner would examine ways to improve constituent services.

Mr. duFrane questioned the availability of GIS information to emergency personnel. Mr. Nixon responded they may not have immediate access to some information, i.e. specific sewer lines. A brief discussion ensued.

TOWN ITEMS

Adding Member of Town Planning Commission to County Planning Commission and Vice Versa

Mr. Risner stated there was development along Town/County boundaries and indicated it would be beneficial to have a member from each commission sit on its counterpart. He noted Council supported the idea.

Mr. duFrane questioned Town Planning Commission meetings. Mr. Risner replied the Commission met monthly for approximately one to two hours and noted members from both the Town and County planning commissions served on the Comprehensive Plan Steering Committee.

Mr. Nixon agreed it would be beneficial for a member of each commission to serve on its counterpart and suggested holding joint meetings as well. Mr. Egertson noted new members would join the County Planning Commission in January 2010.

Mr. Risner stated in January, the chairs from each commission should determine if a member should serve on the opposite committee or both bodies should meet jointly.

Committee holding Quarterly vs. Monthly Meetings

Mr. Walker indicated monthly meetings had been cancelled quite often; however, there were times when it was helpful to hold monthly meetings to discuss serious issues.

Mr. Yowell noted the number of meetings held by Council and the Board and indicated Interaction Committee meetings were often cancelled at one week's notice. He stated he could support holding Interaction Committee meetings on a quarterly or monthly basis.

Mr. Underwood stated recent Interaction Committee agendas had been light; however, he preferred the flexibility to hold monthly meetings when issues arose.

Mr. Walker suggested the chairs give members two weeks notice to cancel a monthly meeting. Mr. Risner noted he had to adjust his work schedule and agreed members should receive at least two weeks notice on cancellations.

Mr. Yowell requested a discussion on combining/joining Town & County Planning & Zoning and Parks & Recreation services be added to the next regular Council meeting agenda.

**Town & County Interaction Committee
November 25, 2009—Page 3**

A general discussion ensued regarding the Western Outer Loop and Mr. Risner suggested the item be placed on the agenda for the next committee meeting.

A brief discussion ensued on whether or not the committee should meet in December due to the holidays. Mr. duFrane stated the meeting could be held on December 14; however, the chairs would discuss the issue.

COUNTY ITEMS – None

ADJOURNMENT

The meeting adjourned at 8:12 a.m.